

EXHIBIT 12

DECLARATION OF NILSON FERNANDO BARAHONA MARRIAGA

I, Nilson Fernando Barahona Marriaga, hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am at least 18 years of age and am competent to sign this declaration. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.
2. I am thirty-eight years old and a citizen of Honduras. I am currently detained at Irwin County Detention Center (ICDC) in Ocilla, Georgia. I have been detained here since approximately October 2019.
3. I have been married to a United States citizen for over six years and we have a six-year-old son. My wife has been an anchor in my life because I have learned how to be a husband, a father and an overall better human being by her side. I am the primary breadwinner in our family.
4. My family and I have the support of my father, who is a United States citizen, and of my mother, who is a legal permanent resident. We also have the support of my two sisters, who are United States citizens.
5. I am eligible for adjustment of status, as my wife and I have a pending I-130, Petition for Alien Relative. I also applied for Non-LPR Cancellation of Removal because I have been in the United States continuously for longer than ten years,

I have had good moral character for over ten years, I have not been convicted of any disqualifying offenses. If I were deported, it would cause exceptional and extremely unusual hardship to my United States citizen spouse and son, and permanent resident mother. I may also be eligible for a U-Visa because I was kidnapped in 2011 and was helpful to law enforcement in the investigation of the crime. I don't have an attorney to help me apply for immigration relief, but the attorney who helped me apply for parole and bond has sent me a lot of information so that I can understand these types of relief and apply for them by myself. My request for bond has been denied and my parole request based on my medical vulnerability to coronavirus was also denied.

6. Before I was detained by ICE, I was diagnosed as a diabetic and was able to manage the condition without medication. Since being transferred to ICDC, they told me that they can't provide me with the necessary diet and access to exercise that I need in order to manage my diabetes. Their solution is basically to increase the amount of medicine I take.
7. My diabetic and hypertension condition deteriorated so much in detention to the point that, on one occasion in November 2019, a small blood vessel in my nose burst open and it caused me to bleed a lot. I woke up with my nose bleeding and I was shaking because of my high blood pressure.
8. It is not safe to be a diabetic detained at ICDC. The living situation is scary. There

are a lot of people who are sick, and some of them may already have coronavirus based on their symptoms. It is nearly impossible to practice social distancing here. There are around 22 of us in Echo-9 right now. We mostly have two people per cell. In other dorms, there are 3-4 people per cell. However, nothing is worse than the open dorms, where there are 40-50 bunk beds all 3-4 feet apart from each other. It is only a matter of time for the coronavirus outbreak to get worse.

9. At ICDC, there are 70-80 of us in very crowded spaces at any given moment.

When we are taken to the library or to recreation, we are often asked to wait in the hallway for a long time, where we just stand right next to the other. The same thing happens when we have court hearings. The staff here mixes people from all the dorms in one waiting room. Even though we have a soap dispenser outside our dorms, we don't have access to hand sanitizers at all. We can't even buy that in the commissary.

10. The way management operates the facility is alarming. I work in the kitchen at ICDC, along with detainees from other dorms. I help prepare the food. The facility does not give us protective face masks while we are working, even though we are preparing food for everyone else. Even though we are now using disposable plates, we continue to use the same plastic cups everyone uses. The cleaning process of the cups we use is also not sanitary. The food cart we use to transport the food from the kitchen to all the dorms almost never gets disinfected.

That food cart even goes to the Fox building, where the people in quarantine are being held, and comes back to the kitchen without being wiped down or anything.

11. The cells get cleaned with bleach only once a week or so, and this is only because of the coronavirus pandemic. Before that, they would never clean our cells like that. Also, the detainees that do the cleaning are asked to only spray the Lysol disinfectant in the shower and in the toilet. This is not enough. They do not disinfect the tablets, phones, or tables where we usually spend most of our time. The detainees who do the cleaning are not given gloves nor face masks. Sometimes, those of us who work in the kitchen, bring gloves for them to use, even though we are not allowed to. We also know that they have not been trained on hygiene measures in order to limit the spread of the virus.

12. In fact, neither ICDC nor ICE has provided us with any information on the coronavirus. We have received no guidance at all. There has been no formal education on hygiene or social distancing. We don't know how to protect ourselves or how to prevent the virus from spreading. We don't even know what kinds of symptoms to look for. We get most of our information from TV.

13. Also, the guards at the facility do not regularly wear gloves when they enter our living spaces and touch what is around us. I have never seen a guard wear a face mask. The ICE officials that visit ICDC never wear gloves. It is scary to think that any of them can be spreading the virus inside the detention center. It is clear

to me that the individuals running this facility have not taken this pandemic seriously. ICE is also not taking this seriously.

14. My experience with seeking medical services at ICDC for diabetes has been very bad. To see the nurse here, we have to submit many requests. There are no actual doctors here. Most of our requests get ignored. There have been times when I have a headache, chest pain, and dizziness, or I simply want to get my blood pressure checked, and my medical requests have gone unanswered. The facility ignores our requests or simply tell us that we have been added to the sick call list. While being at ICDC, my blood sugar reading has been as high as over 300.

15. Recently, a man who is housed next to my cell went to see the nurse at ICDC because he had problems breathing and his throat was sore. His eyes were also irritated. He did not get any medication from the clinic. Many people are starting to be afraid to go to the clinic because they do not want to catch the virus. The clinic is inside of the detention center, next to the kitchen. Everyone knows that the facility does not properly clean the waiting room of the clinic.

16. I know there are people in quarantine at ICDC, and many of us believe there are detainees here who have tested positive for the coronavirus. There are guards who make comments about “not spreading a virus” that sounds like the virus is already here. There were also two people who were housed across from me. Both were tested. One of them tested negative and came back to our dorm and he said

that the other person tested positive was sent to quarantine. I know that there are people in quarantine because I work in the kitchen and I know food is sent to the quarantine section. The facility knows there are many people who are sick in here, and they have not taken the necessary steps to increase medical staff or screen people who are currently sick. They have especially forgotten about those of us who are vulnerable to the virus. I was never given a medical exam, information, or protective equipment relating to coronavirus as a person who is at high-risk for coronavirus.

17.If I am released from detention, I will comply with any applicable conditions of release including attending check-ins and immigration court hearings.

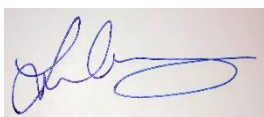
18.Upon release, I would reside with my wife and child in Lawrenceville, Georgia.

I will self-quarantine in order to protect myself and others from the coronavirus.

19.I have authorized my attorney to sign on my behalf given the difficulty of arranging visitation and travel in light of the current COVID-19 pandemic. If required to do so, I will provide a signature when I am able to do so.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 1, 2020 at Stone Mountain, Georgia.

A handwritten signature in blue ink, appearing to be "J. B. Smith", is written on a light-colored surface. Below the signature is a horizontal line.

Lorilei Williams, Esq., on behalf of Nilson Fernando Barahona Marriaga

ATTORNEY DECLARATION

I, Lorilei Williams, declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. My name is Lorilei Williams. I am a licensed attorney in good standing in the state of New York. I am an inactive attorney in good standing in the state of Texas. I am an attorney of record in this litigation.
2. I represent the declarant, Nilson Fernando Barahona Marriaga. Out of necessity in light of the COVID-19 pandemic, I signed Nilson Fernando Barahona Marriaga's declaration on his behalf and with his express consent.
3. ICE is oftentimes requiring legal visitors to provide and wear personal protective equipment, including disposable vinyl gloves, surgical masks, and eye protection while visiting any detention facility. These supplies are not easily accessible, given the increase in demand. Any available supplies are prioritized to hospitals and other medical facilities that are experiencing dangerous shortages.
4. There are documented cases of COVID-19 in all fifty U.S. states and most inhabited U.S. territories. The Center for Disease Control and Protection (CDC) issued statements warning that individuals are at a higher risk of infection when traveling. I have Hashimoto's Thyroiditis, an autoimmune disease, and asthma, which put me at a higher risk for COVID-10

complications.

5. In light of the above, to protect public health, I am not able to travel to Ocilla, Georgia, to obtain my client's signature.
6. I spoke with Nilson Fernando Barahona Marriaga via phone call and read the declaration to him and confirmed the accuracy of the information therein. Nilson Fernando Barahona Marriaga has confirmed that I can sign on his behalf, as reflected in his declaration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 1, 2020 at Stone Mountain, Georgia.

A handwritten signature in blue ink, appearing to read 'Lorilei Williams', is shown above a horizontal line.

Lorilei Williams, Esq.,

Attorney for Plaintiffs

Southern Poverty Law Center

T. 404.858.2567

lorilei.williams@splcenter.org